



W.P. No.15148 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2024

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.15148 of 2019

and

W.M.P. Nos.15132 and 15133 of 2019

Sholavalli Chinna Theru Mosque
rep. By its
Managing Trustee
Mohammed Ibrahim

... Petitioner

Versus

1. Tamil Nadu Wakf Board,
Rep. by its Chairman,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 1.

2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 1.

3. The Wakf Superintendent,
Cuddalore Zone / Executive Officer,
Chinnatheru Pallivasal Wakf,
Nellikuppam,
512, Gandhi Road,
Panrutti.

... Respondents



W.P. No.15148 of 2019

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorari, calling for records of the 1st respondent ending with Na.Ka. No.610/19/B4/Cuddalore, dt. 4.3.19 and quash the same.

For Petitioner : Mr.N.A. Nissar Ahmed

For respondents : Mr.Haja Mohideen Gisthi

ORDER

This writ petition has been filed to call for records of the 1st respondent ending with Na.Ka. No.610/19/B4/Cuddalore, dated 4.3.19 and quash the same.

2. It is stated that the petitioner is the Managing Trustee / President of Sholavalli Chinnatheru Mosque, Cholavalli, Nellikuppam, Panruti, Cuddalore District, which is surveyed and notified wakf under the supervisory control of the 1st respondent. It is further stated that the said wakf is governed by a scheme decree dated 18.01.1962 in I.A. No.781/60 in O.S. No.39 of 1949 and the tenure of the committee shall be five years. Subsequently, the tenure expired and further extended for a period of one year vide order dated 10.01.2019. When such being the position, the 1st respondent erroneously vide impugned order dated 04.03.2019, without removing the committee under Section 64 and without any notice or



W.P. No.15148 of 2019

enquiry as contemplated under Section 64 assumed direct management

holding that the committee was not recognised by them.

3. Learned counsel for the petitioner submitted that the impugned order, dated 04.03.2019 passed by the 1st respondent suffers from illegality as there was a gross violation of principles of natural justice. By way of impugned order, it was held wrongly by the 1st respondent that the petitioner committee is an unrecognised one. He further submitted before passing of the impugned order, neither an enquiry was conducted nor any notice was served to the petitioner. In view of the above, he prays for quashment of the impugned order, dated 04.03.2019 passed by the 1st respondent as well as prays for allowing of this writ petition.

4. Learned counsel for the respondents submitted that in terms of the provisions under the Wakf Act, the election has to be conducted, within a period prescribed therein from the expiry of the tenure period, whereas the same has not been done. Hence, he prays for issuance of appropriate directions in this regard.

5. Heard learned counsel on both sides and perused the available records.

6. It is not disputed that on expiry of tenure period, election was not conducted and the said Wakf was under the direct management for a long



W.P. No.15148 of 2019

period. Without conducting election, running the wakf under the direct management for unlimited period is unsustainable. At this juncture, learned counsel for the respondents pleaded that this Court may direct the 1st respondent to conduct an election for the said Wakf.

7. In view of the above submission, this Court without going into the merits of the case, directs the 1st respondent to conduct an election for the said Wakf, within a period of twelve weeks from the date of receipt of a copy of this order, if election was not conducted earlier.

8. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

23.09.2024

Index : Yes / No
Internet : Yes / No
vsi2

To
1. The Chairman
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 1.



WEB COPY



W.P. No.15148 of 2019

M.DHANDAPANI, J.

vsi2

2. The Chief Executive Officer,
Tamil Nadu Wakf Board,
No.1, Jaffer Syrang Street,
Vallal Seethakathi Nagar,
Chennai – 1.

3. The Wakf Superintendent,
Cuddalore Zone / Executive Officer,
Chinnatheru Pallivasal Wakf,
Nellikuppam,
512, Gandhi Road,
Panrutti.

W.P. No.15148 of 2019

23.09.2024